

**Remarks/Arguments:**

The above Amendments and these Remarks are in reply to the Office Action mailed June 4, 2007.

Claims 1-2, 5, 7-10, 12-13, 16, 18, 19-21, 23-24, 27, 29-31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis et al. U.S. Patent Application Publication 2004/0039916 A1 in view of Stupek Jr. et al U.S. Patent No. 5,960,189.

Claims 3, 4, 6, 11, 14, 15, 17, 22, 25, 26, 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis et al. U.S. Patent Application Publication 2004/0039916 A1 in view of Stupek Jr. et al U.S. Patent No. 5,960,189 and further in view of Watanabe et al U.S. Patent Application Publication 2003/0182146 A1.

Claims 1, 12 and 23 includes the feature “downgrading software associated with first license key including obtaining a second license key and disabling the first license key” that is not made obvious by the cited prior art.

Stupek Jr. shows an upgrading system that stores old versions for a possible later downgrade. It is not suggested that the later downgrade involve obtaining a second license key.

Systems, like Stupek Jr., that allow for reversion of software to previous versions would not give someone skilled in the art any reason to implement a downgrade system that used a new license key. In particular, viewing all of the references together would not suggest a downgrade system that obtains a second license key. For example, even if a license keys are used with the system of Stupek Jr., a new license key need not be obtained for a reversion/downgrade.

For the above reasons, claims 1, 12 and 23, as well as their dependent claims, are believed to be allowable.

Claim 37 states that a software license bank for a customer stores a predetermined dollar amount of licenses. This is not shown in the cited prior art. For example, Watanabe discloses a software bank for a sublicensee, rather than a customer. For this reason, claim 37 is believed to be allowable.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: August 14, 2007

By: /Joseph P. O'Malley/  
Joseph P. O'Malley  
Reg. No. 36,226

FLIESLER MEYER LLP  
650 California Street, 14<sup>th</sup> Floor  
San Francisco, California 94108  
Telephone: (415) 362-3800